IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1171 of 2004

with

SPECIAL CIVIL APPLICATION No 1172 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HARIBHAI C PATEL

Versus

JOINT REGISTRAR (COMMERCE)

Appearance:

1. Special Civil Application No. 1171 of 2004
   MR BS PATEL for Petitioner No. 1-16
   MRS RANJAN B PATEL for Petitioner No. 1-16
   MR DIPEN DESAI, LD.AGP for Respondent No. 1
   NOTICE SERVED BY DS for Respondent No. 2
2. Special Civil Application No. 1172 of 2004
   MR BS PATEL for Petitioner No. 1
   MR DIPEN DESAI, LD.AGP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.M.MEHTA

Date of decision: 06/05/2004

ORAL JUDGEMENT

1. Rule. Mr.Dipen Desai, learned AGP waives service of rule on behalf of respondent State.

2. Haribhai C.Patel and others, petitioners have filed these petitions challenging the order dated 14th December, 2000, passed by the Joint Registrar (Commerce), Co-operative Societies, Gujarat State, Gandhinagar respondent No.1 herein. By the impugned order the Jt.Registrar (Commerce) passed the order under sec.93 of the Co-operative Societies Act for appointing inquiry officer.

3. It is a case of the petitioners that though show-cause-notice dated 17th January, 1999, was issued but the same was served to the custodian and not to the members of petitioners and therefore to that extent the order passed by the Jt.Registrar is in violation of rules of natural justice. Same contention is taken in Special Civil Application No.1172 of 2004.

4. Mr.Dipen Desai, learned AGP has not been able to say that the said order has been passed after following the principle of natural justice as to whether show-cause-notice was served or not to petitioners.

5. In view of the aforesaid position, the petitioners will now file reply before the Jt.Registrar (Commerce) and the Jt.Registrar (Commerce) after taking into consideration the reply filed by the petitioners and after giving an opportunity of being heard pass a short but speaking order in this behalf without being influenced by the order of this Court.

6. In view of the aforesaid observations and directions, these petitions are accordingly disposed of with no order as to costs. Rule made absolute to the aforesaid extent. D.S. permitted.

(K.M. Mehta, J.)

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